

Adopted	Rejected
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COMMITTEE REPORT

YES:	17
NO:	7

MR. SPEAKER:

Your Committee on **Ways and Means**, to which was referred House Bill 1245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-3.5-6-18, AS AMENDED BY P.L.224-2007,
- 4 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2008]: Sec. 18. (a) The revenue a county auditor receives
- 6 under this chapter shall be used to:
- 7 (1) replace the amount, if any, of property tax revenue lost due to
- 8 the allowance of an increased homestead credit within the county;
- 9 (2) fund the operation of a public communications system and
- 10 computer facilities district as provided in an election, if any, made
- 11 by the county fiscal body under IC 36-8-15-19(b);
- 12 (3) fund the operation of a public transportation corporation ~~as~~
- 13 ~~provided in an election, if any, made by the county fiscal body~~
- 14 ~~under IC 36-9-4-42;~~ **established under IC 36-9-4;**
- 15 (4) make payments permitted under IC 36-7-15.1-17.5;

- (5) make payments permitted under subsection (i);
- (6) make distributions of distributive shares to the civil taxing units of a county; and
- (7) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and
- (2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 2. IC 8-23-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 28. Funding to Establish a Regional Transportation Authority

Sec. 1. The regional transportation authority formation fund is established.

1 **Sec. 2. The department shall administer the fund.**

2 **Sec. 3. Expenditures from the fund may be made only in**
 3 **accordance with this chapter.**

4 **Sec. 4. The department may use the money in the fund to**
 5 **provide matching grants to cities or counties that wish to establish**
 6 **a regional transportation authority under IC 36-9-3. The expenses**
 7 **in administering the fund and the grants shall be paid from the**
 8 **money in the fund.**

9 **Sec. 5. The amount of a grant provided under this chapter may**
 10 **not exceed twenty percent (20%) of the costs incurred by a city or**
 11 **county in establishing a regional transportation authority under**
 12 **IC 36-9-3.**

13 **Sec. 6. Each grant provided under this chapter must be matched**
 14 **by funds provided by the city or county applying for the grant**
 15 **under this chapter. The matching funds required by a city or**
 16 **county may be provided by any source except other state funds.**

17 **Sec. 7. A city or county must apply for a grant under this**
 18 **chapter in the manner prescribed by the department.**

19 **Sec. 8. (a) Money in the fund at the end of a state fiscal year does**
 20 **not revert to the state general fund.**

21 **(b) The treasurer of state shall invest the money in the fund not**
 22 **currently needed to meet the obligations of the fund in the same**
 23 **manner as other public money may be invested. Interest that**
 24 **accrues from these investments shall be deposited in the fund to be**
 25 **used for any purpose for which funds may be used under this**
 26 **chapter.**

27 **Sec. 9. The fund consists of the following:**

28 **(1) Funds deposited by regional transit authorities under**
 29 **IC 36-9-42.**

30 **(2) Money received from any other source, including**
 31 **appropriations.**

32 **Sec. 10. The department shall notify all regional transit**
 33 **authorities (as defined in IC 36-9-42) when the aggregate total of**
 34 **all deposits by the regional transit authorities under IC 36-9-42 has**
 35 **reached one million dollars (\$1,000,000).**

36 **SECTION 3. IC 36-9-4-42 IS AMENDED TO READ AS**
 37 **FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) A municipality**
 38 **or a public transportation corporation that expends money for the**

1 establishment or maintenance of an urban mass transportation system
 2 under this chapter may acquire the money for these expenditures:

- 3 (1) by issuing bonds under section 43 or 44 of this chapter;
- 4 (2) by borrowing money made available for such purposes by any
- 5 source;
- 6 (3) by accepting grants or contributions made available for such
- 7 purposes by any source;
- 8 (4) in the case of a municipality, by appropriation from the
- 9 general fund of the municipality, or from a special fund that the
- 10 municipal legislative body includes in the municipality's budget;
- 11 or
- 12 (5) in the case of a public transportation corporation, **one (1) or**
- 13 **both of the following:**

14 (A) By levying a tax under section 49 of this chapter. ~~or~~

15 (B) By ~~recommending an election~~ **electing** to use revenue
 16 from the county option income taxes, as provided in
 17 subsection (c).

18 (b) Money may be acquired under this section for the purpose of
 19 exercising any of the powers granted by or incidental to this chapter,
 20 including:

- 21 (1) studies under section 4, 9, or 11 of this chapter;
- 22 (2) grants in aid;
- 23 (3) the purchase of buses or real property by a municipality for
- 24 lease to an urban mass transportation system, including the
- 25 payment of any amount outstanding under a mortgage, contract of
- 26 sale, or other security device that may attach to the buses or real
- 27 property;
- 28 (4) the acquisition by a public transportation corporation of
- 29 property of an urban mass transportation system, including the
- 30 payment of any amount outstanding under a mortgage, contract of
- 31 sale, or other security device that may attach to the property;
- 32 (5) the operation of an urban mass transportation system by a
- 33 public transportation corporation, including the acquisition of
- 34 additional property for such a system; and
- 35 (6) the retirement of bonds issued and outstanding under this
- 36 chapter.

37 (c) This subsection applies only to a public transportation
 38 corporation located in a county having a consolidated city. ~~In order to~~

provide revenue to a **During each year that the county option income tax is in effect in the county, the public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation shall receive three percent (3%) from the part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before September 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor."**

Page 1, line 5, delete "to all units except townships." and insert **"only to units:**

(1) that are not townships; and

(2) that are located within the boundaries of a regional transit authority.

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 6. As used in this chapter, "regional transit authority" means an entity:

(1) that is eligible to receive federal transportation funding under Title 49 of the United States Code; and

(2) that is either:

(A) a regional transportation authority established under IC 36-9-3; or

(B) the northwest Indiana regional development authority established under IC 36-7.5-2-1."

Page 2, line 29, delete "6." and insert "7."

Page 2, line 31, after "." insert **"The territorial boundaries of the district may not extend beyond the boundaries of the regional transit authority within which the unit is located."**

Page 2, line 32, delete "7. (a)" and insert "8."

Page 2, delete lines 38 through 42.

Delete pages 3 through 7.

Page 8, delete lines 1 through 26.

Page 8, line 27, delete "18" and insert "9".

Page 8, line 32, delete "19" and insert "10".

1 Page 9, line 20, delete "20" and insert "**11**".

2 Page 9, line 21, delete "20" and insert "**11**".

3 Page 9, line 23, delete "19" and insert "**10**".

4 Page 9, line 24, after "fund" insert "**shall be appropriated by the**
5 **fiscal body of the unit that created the transit district to the**
6 **regional transit authority that has boundaries containing the**
7 **transit district.**

8 **Sec. 12. (a) Except as provided in subsection (b), the funds**
9 **appropriated to the regional transit authority under section 11 of**
10 **this chapter may only be used for the purposes of the regional**
11 **transit authority authorized by the statute under which the**
12 **authority was established as listed in section (6)(2) of this chapter.**

13 **(b) Except as provided in subsection (c), each regional transit**
14 **authority receiving an appropriation under section 10 of this**
15 **chapter shall deposit twenty-five percent (25%) of each**
16 **appropriation into the regional transportation authority formation**
17 **fund established under IC 8-23-28-1.**

18 **(c) A regional transit authority is not required to make the**
19 **deposit required under subsection (b) if the aggregate total of all**
20 **deposits made by regional transit authorities under subsection (b)**
21 **has reached one million dollars (\$1,000,000)."**

22 Page 9, delete lines 25 through 42.

23 Page 10, delete lines 1 through 12.

24 Renumber all SECTIONS consecutively.

(Reference is to HB 1245 as introduced.)

and when so amended that said bill do pass.

Representative Crawford